



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY THE STATE OF NEW YORK TO EXTEND "SLOW GROWTH" AUTHORIZATIONS

File No. 0003776692

Comment Date: June 11, 2009
Reply Comment Date: June 26, 2009

The Public Safety and Homeland Security Bureau seeks comment on an application and waiver request filed on March 16, 2009, by the State of New York (New York).¹ Pursuant to Section 1.925 of the Commission's Rules,² New York seeks waiver of Section 90.629 of the Commission's Rules (Extended Implementation Period),³ to extend its "slow growth" authorizations.⁴ Specifically, New York represents that it has made "substantial progress" toward completion of a new statewide wireless network for its public safety radio operations,⁵ but that completion of the project was prevented by the default of New York's prime vendor, which it has terminated.⁶ It therefore proposes to select a new vendor and to complete the project under a project timeline running from April 2009 to April 2014.⁷ New York represents that the "funding process" established for its project "remains in place" despite termination of the contract with its prime vendor.⁸

Pursuant to Sections 1.415 and 1.419 of the Commission's rules,⁹ interested parties may file comments and reply comments on or before the dates indicated above. All comments and reply comments should reference the subject Waiver Request and the DA number indicated on the May 12, 2009 *Public Notice*. Comments and reply comments may be filed: (1) electronically by accessing the

¹ See File No. 0003776692 (filed Mar. 16, 2009) (Waiver Request).

² 47 C.F.R. § 1.925.

³ 47 C.F.R. § 90.629.

⁴ The current construction deadlines for these authorizations fall during 2009. See Waiver Request at 7-11, Table 2.

⁵ New York represents that it has implemented backbone infrastructure for its network, that it has constructed a network operations center, and that it has expended over \$54 million to date on its project. See Waiver Request at 3.

⁶ See *id.* at 2-3.

⁷ See *id.* at 1, 4-5.

⁸ See *id.* at 3.

⁹ 47 C.F.R. §§ 1.415, 1.419.

applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),¹⁰ or (2) by filing paper copies.

- Electronic Filers: From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the "ULS Pleadings" link in the menu on the lower left side of the ULS web page. The link will take you to the "*Pleading Information*" screen for "Non-docketed Pleadings" where you select "Reply" in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: "*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*"¹¹ Click on "CONTINUE."

The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the "SUBMIT" button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.

The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The "BROWSE" button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the "ADD ATTACHMENT" button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.

Finally, to complete your electronic pleading submission, click on the "SUBMIT PLEADING" button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

¹⁰ See "Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings," *Public Notice*, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

¹¹ See 47 C.F.R. Part 1.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Because of the policy implications and potential impact of this proceeding on persons not party to the Application, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice, ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Ms. Joy Ragsdale of the Policy Division, Public Safety and Homeland Security Bureau at 202-418-1697 (voice), 202-418-7233 (tty), or via e-mail to Joy.Ragsdale@fcc.gov.

By the Acting Chief, Public Safety and Homeland Security Bureau.

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